IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

Bail Appl..No. 3173 of 2007()

C.R.NO.6/07 OF AGALI EXCISE RANGE

: PETITIONER/1ST ACCUSED

JACOB THOMAS @ SABU PASTER,
AGED 43 YEARS, S/O THOMAS,
VENGANOR HOUSE, VAZHOOR, KOTTAYAM.
(ADDRESS SHOWN IN THE FIR AS VANGENOOR HOUSE,
PAKKULAM, THAVALAM, MANNARKKAD TALUK, PALAKKAD.)

BY ADV. SRI.V.M.KRISHNAKUMAR
SMT.P.R.REENA

RESPONDENTS: STATE/COMPLAINANT

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1. EXCISE RANGE INSPECTOR,
AGALI EXCISE RANGE, PALAKKAD.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 3173 OF 2007

Dated this the 4th day of June, 2007

O R D E R

In this Petition filed under Sec. 438 Cr.P.C. the petitioner, who is the 1st accused in C.R. No.6/2007 of Agali Excise Range for offences punishable under sections 8(1) and 8(2) of the Abkari Act for allegedly having been found in possession of 230 litres of illicit arrack, seeks anticipatory Bail.

2. The learned Public Prosecutor opposed the application.

3. Anticipatory bail cannot be granted in a case involving such grave offence. It is too early to accept the petitioner's contention that the petitioner has been falsely implicated. There is no reason why the petitioner should not surrender before the magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned within two weeks from today and files an application for regular bail, the same shall be considered and disposed of, preferably on the same day on which it is filed bearing in mind the decision in ***Sukumari Vs. State of Kerala*** [2001 (1) KLT 22].

This application is disposed of as above.

(V. RAMKUMAR, JUDGE)

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